

REMARKS

In the Office Action, the Examiner objected to claims 2, 3, and 7 because of the following informalities:

-In claims 2 and 3 "detrimental extraneous foreign material" should be changed to -said detrimental extraneous foreign material-since Applicant admits that the foreign material in claims 2 and 3 is intended to be the same as that in claim 1;

-In claim 7 a correlation between the pair of guide means of claim 7 and the guide means of claim 6 should be established since Applicant admits that one of the pair of guide means of claim 7 includes element 84 and guide means of claim 6 includes element 84;

-In line 2 of paragraph (b) of claim 20 the phrase "a a" should be changed to -a--. Appropriate correction is required.

With regards to claims 2 and 3, such claims, as amended, now specifically recite "said detrimental extraneous foreign material".

With regards to claim 7, a dependent claim of claim 6, the Applicant believes that a correlation between the pair of guide means of claim 7 and the guide means of claim 6 has been clearly established by reciting in claim 7 that "...a second one of said pair of guide means disposed closely adjacent a **second outer edge** of and substantially perpendicular to said planar surface

portion...". Claim 6 recites that "a guide means connected to and disposed closely adjacent a **first outer edge** of and substantially perpendicular to said planar surface portion ...".

With regards to claim 20, informality "a a" in line 2 of paragraph (b) has been corrected to read "a a".

Next, the Examiner objected to claims 20-22 as not being renumbered in the previous amendment after a Non-final Office Action by pointing out claim 19 was skipped.

Claims 20-22 have been renumbered as 19-21.

Therefore, the Examiner is respectfully requested to withdraw the objections to claims 2, 3, 7, and 20-22.

Additionally, the Examiner rejected the original claims 20-22 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner stated that " Re: claim 20. The phrase "at least one inflatable air bag spring" in the first line of paragraph (c) is indefinite in light of the earlier recitation of "an air spring actuator" in line 14. The claim reads as if the air spring actuator and air bag spring or completely separate elements, however, from the drawings it appears that the air spring actuator includes the air bag spring.

The Examiner required clarification with regards to original claim 20 by stating that "Applicant should clearly

point out which element represents the claimed first and second force transmitting members and the control linkages. Examiner notes that the arrangement of the claimed elements is unclear since only one force-transmitting member 28 is clearly labeled".

The Examiner further stated that "The remaining claims are indefinite due to their dependency from claim 20".

The "air spring actuator" on line 14 in claim 20 is an assembly labeled as 40 in Figures 1-3. The "at least one inflatable air bag spring" is a component, labeled as 50 in Figures 1-3, of such assembly labeled as 40. The Applicant believes that claim 20 clearly defines that the "air spring actuator" on line 14 "comprising" "at least one air inflatable air bag spring" in paragraph (c).

With regards to first and second force transmitting members and the control linkages, the Examiner's attention is directed to FIG. 1 of the drawings and to lines 7-15 on page 10 of the specification, wherein it is shown that "A pair of force-transfer levers 14 and 16 are pivotally connected by pins 18 to the strut member 8 of the respective brake beams 2 and 3. One end of the respective force-transfer levers 14 and 16 is interconnected via a force-transmitting member 28, which may be in the form of a slack adjuster device. The opposed end 36 of the force-transfer lever 16 is connected to an at least one

brake actuator assembly 40 by connecting means 31 via a force-transmitting member or a return push rod assembly 32".

Therefore, the control linkages of claim 20 are labeled as 14 and 16 and the second force transmitting lever is labeled as 32.

Accordingly, the Applicant respectfully requests the withdrawal of the rejection of the original claims 20-22 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Turning to the more substantive matters, the Examiner maintained her rejection of claims 1-4, 6-13, 18 and rejected (original) claims 20-22 under 35 U.S.C. 102(b) as being anticipated by US Patent 6,116,385 to Ring.

In support of her rejection with regards to independent claims 1 and 20, the Examiner stated that "Ring shows in figures 1 and 3 an actuating member for a railway vehicle brake assembly, such railway vehicle brake assembly having an air bag actuator 58 incorporated therein, said actuating member comprising: a first substantially vertically disposed plate like member or right side of element 50, said first substantially vertically disposed plate like having a first substantially planer surface shown in the area of the lead line of number 51 engageable via intervening elements with a first surface shown

in the area of the lead line of number 88 of a second substantially vertically disposed plate like member shown in the area of element number 83 attached to such air bag actuator, a substantially horizontally disposed plate like member shown in the area of the lead line of number 84 connected to the first substantially vertically disposed plate like member adjacent a bottom edge thereof and extending substantially perpendicular to the first planar surface of the first vertically disposed plate member for shielding at least a first portion of the air bag actuator from foreign material as shown, and a means shown at the left end of element 60 connected to a radially opposed second surface of the first vertically disposed plate like member via intervening elements for securing the actuating member to a control linkage (or element connected to the left end of element 60 shown in figure 1) of the assembly".

With regards to claim 1, the Examiner found Applicant's arguments that "the casing 50 having an inner surface 76 is not taught by first substantially vertically disposed plate like member 60 of the present invention" as not persuasive by noting that "the substantially vertically disposed plate like member or cross-sectional surface shown in the area of the lead lines of numbers 51 and 81 of the casing 50 is clearly taught by Ring in figure 3".

The present invention teaches in paragraph (b) of claim 1 "a substantially horizontally disposed plate like member connected to said first substantially vertically disposed plate like member adjacent a bottom edge thereof and extending substantially perpendicular to said first substantially planar surface of said first substantially vertically disposed plate like member for shielding at least a first portion of such air bag actuator from detrimental extraneous foreign material".

It has been set forth in *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) that "A claim is anticipated only if each and every element is set forth in the claim is found, either expressly or inherently described, in a single prior art reference".

Such substantially horizontally disposed plate like member of the present invention which is connected to the first substantially vertically disposed plate like member is not found, either expressly or inherently, in Ring prior art reference.

With regards to original claim 20, now claim 19, such claim has been amended to specifically recite in paragraph (c) that "said at least one inflatable air bag spring at least partially exposed within such railway car mounted brake assembly".

Ring teaches an air bag 58 which is fully enclosed by the hollow piston assembly 52 and the inner surface 51 of the cylindrical casing 50.

Therefore, the inventions of independent claims 1 and (original) 20 are patentably distinguished from Ring prior art reference.

Accordingly, the Examiner is respectfully requested to withdraw her rejection of independent claims 1 and 20 under 35 U.S.C. 102(b) as being anticipated by US Patent 6,116,385 to Ring.

Next, with regards to independent claim 6, the Examiner stated that "Ring shows the invention as set forth in the rejection of claim 1 above and shows a guide means 72 connected to and disposed closely adjacent a first outer edge of (via intervening elements in the position shown in figure 3) and (portions of which being) substantially perpendicular to the planar surface portion of the first vertically disposed plate member for guiding and alignment and a securing means 31 connected to the first substantially vertically disposed plate member for enabling attachment to a rigid structure show attached to element 31 in figure 1".

The Examiner found Applicant's arguments that "end 83 is attached or connected to the casing 50 but does not directly engage the air bag 58" as not persuasive by noting that "the

argument is more specific than the claim language and that the elements are connected as claimed via intervening elements and further that the claim language does not preclude connection by way of intervening elements".

The amended claim 6 now specifically recites in paragraph (c) that "a guide means directly connected to and disposed closely adjacent a first outer edge of ...". The guide 72 in Ring is not directly connected to the edge of the planar surface.

Therefore, the invention of claim 6 is patentably distinguished from Ring prior art reference.

Accordingly, the Examiner is respectfully requested to withdraw her rejection of independent claim 6 under 35 U.S.C. 102(b) as being anticipated by US Patent 6,116,385 to Ring.

Furthermore, with regards to independent claim 9, the Examiner stated that "Ring shows the invention as set forth in the rejection of claim 1 above and shows a guide means 72 connected to and disposed closely adjacent a first outer edge of (via intervening elements in the position shown in figure 3) and (portions of which being) substantially perpendicular to the planar surface portion of the first vertically disposed plate member for guiding and alignment and a securing means 31 connected to the first substantially vertically disposed plate

member for enabling attachment to a rigid structure show attached to element 31 in figure 1".

The Examiner found Applicant's arguments that "the present invention does not employ a "hollow piston assembly mounted for reciprocal movement within the cylindrical casing as claimed in the claims of Ring" as irrelevant by noting that "the claims of the instant invention (not the claims of the prior art) are under examination. It is not necessary that the disclosure of the instant application read on the claims of the prior art reference".

The applicant believes that the claimed subject matter in paragraph (b) of claim 9, wherein "a substantially horizontally disposed plate like member connected to said first substantially vertically disposed plate like member adjacent a bottom edge thereof ..." is not found in Ring prior art reference.

Therefore, the invention of claim 9 is patentably distinguished from Ring prior art reference.

Accordingly, the Examiner is respectfully requested to withdraw her rejection of independent claim 9 under 35 U.S.C. 102(b) as being anticipated by US Patent 6,116,385 to Ring.

Next, the Examiner maintained the rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over Ring in view of US Patent 6267043 to Plantan et al.

In support of her rejection, the Examiner stated that "Ring shows in figure 3 the limitation wherein the means connected to the radially opposed second surface of the first vertically disposed plate member for securing the actuating member to the control linkage of the railway vehicle brake assembly includes at least one plate member or bottom plate of the leftmost side of element 60 having an aperture as shown formed therethrough.

Ring does not include the limitation of a pin member disposed in the aperture for securing the at least one plate member to such control linkage.

Plantan et al. teach in figures 2 and 4 the use of a brake actuator having a plate member 84 having an aperture 86 and a pin member 88 disposed in the aperture.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the aperture of the plate member of Ring to have included a pin member therethrough, as taught by Plantan et al., in order to provide a means of reciprocating element 60 within elements 83 and 84.

Claim 5 is dependent from claim 1 and will be allowed since it is believed that claim 1 is in a condition for allowance.

Therefore, the Examiner is respectfully requested to withdraw her rejection of the original claim 5 under 35 U.S.C.

103(a) as being unpatentable over Ring in view of US Patent 6267043 to Plantan et al.

Finally, the Examiner rejected claims 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Ring in view of US Patent 4846785 to Cassou et al.

In support of her rejection, the Examiner stated that "Ring describes the invention substantially as set forth above, but does not include the limitation of a visual travel indicator.

Cassou et al. teach in col. 4 lines 2-5 the limitation of an actuator including a visual travel indicator or markings 20.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the portion of element 60 extending outside element 83 to have included a visual travel indicator, as taught by Cassou et al., in order to provide a means of monitoring linear travel of element 60 to monitor the amount of brake actuation for brake control purposes".

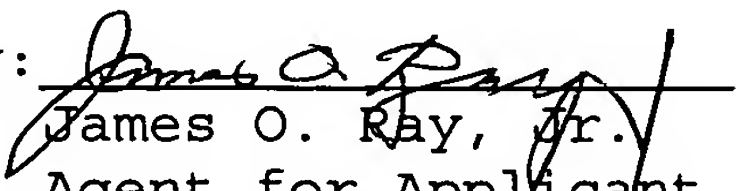
Claims 16 and 17 are dependent from claim 9 and will be allowed since it is believed that claim 9 is in a condition for allowance. Therefore, the Examiner is respectfully requested to withdraw her rejection of the claims 16, and 17 under 35 U.S.C. 103(a) as being unpatentable over Ring in view of US Patent 4846785 to Cassou et al.

Conclusion

In view of the above amendments to the claims and the remarks associated therewith, the Applicant believes that independent claims 1, 6, 9, and 20 are in a condition for allowance and such allowance by the Examiner is respectfully requested. Since it is believed that independent claims 1, 6, 9, and 20 are in condition for allowance, their dependent claims further providing limitations are also in a condition for allowance.

In the event the Examiner has further difficulties with the election, he is invited to contact the undersigned agent by telephone at 412-380-0725 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

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